IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 22126 of 2004

AND

WRIT PETITION NO : 22127 of 2004

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WRIT PETITION NO : 22126 of 2004

Between:

T.Niranjan Kumar, S/o T.Tirapaiah,
O/o Director of Government Examinations, Chapel Road, Hyderabad.

..... PETITIONER

AND

1 The Director of Government Examinations, Chapel Road, Nampally, A.P. Hyderabad.
2 P.Chinna Babu, Office Superintendent,
O/o Director of Govt.Examinations, Chappel Road, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction, order one in the nature of Writ of Certiorari calling for records pertaining to orders dated 5-8-2004 passed in O.A.No.4436 of 2004 on the file of Hon'ble A.P.Administrative Tribunal and quash the same and further declare that the proceedings issued in Rc.No.16/A1-2/2003 dated 03-08-2004 are illegal and arbitrary and discriminatory and are violative of Article 14 and 16 of the Constitution of India and Petitioner is entitled to continue as Office Superintendent.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondent No.1: GP FOR SERVICES I

Counsel for the Respondent No.2: ----------

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WRIT PETITION NO : 22127 of 2004

Between:

Smt. G. Manikyam, W/o. Ch. A.V.P. Immanuel,
O/o. Director of Government Examinations, Chapel Road, Hyderabad.

..... PETITIONER

AND

1 The Director of Government Examinations, Chapel Road, Nampally, A.P., Hyderabad.
2 J. Balarajeshwar, Office Superintendent, O/o. Director of Government Examinations, Chapel Road, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction, Order one in the nature of Writ of Certiorari calling for records pertaining to orders dated 5-8-2004 passed in O.A.No. 4437/2004 on the file of Hon'ble A.P. Administrative Tribunal and quash the same and further declare that the proceedings issued in Rc.NO. 16/A1-2/2003 dated 03-08-2004 are illegal and arbitrary and discriminatory and are violative of Article 14 and 16 of the Constitution of India and petitioner is entitled to continue as Office Superintendent.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondent No.1: GP FOR SERVICES I

Counsel for the Respondent No.2: ----------

The Court made the following:

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WRIT PETITION Nos.22126 of 2004 and 22127 of 2004

COMMON ORAL ORDER: (per GB.J.)

Both these Writ Petitions can be disposed of by a common order.

2. The petitioners are working as Superintendents in the office of the Director of Government Examinations. Though they were promoted to the said post and subsequently regularized in the service in pursuance of Rule 16(b) of State and Subordinate Service Rules, 1996, they were sought to be reverted by virtue of the impugned proceedings. The said proceedings came to be challenged before the A.P. Administrative Tribunal (for short Tribunal) in OA.Nos.4436 and 4437 of 2004. The learned Tribunal admitted the said OAs. and issued notices to the respondents and at that point time the present Writ Petitions have been filed.

3. The learned counsel for the petitioners submit that failure to pass appropriate interim order to protect the interest of the employees has caused irreparable loss to them and the Tribunal ought to have exercised such a power keeping in view the exigency of service. Since the Tribunal failed to exercise such power vested in it, it is for this Court to exercise the said power sitting under Articles 226 and 227 of the Constitution of India and pass appropriate orders.

4. On the other hand the learned Government Pleader for Services-I submits that since the counters have already been filed, the Tribunal can dispose of the matters.

5. As there is no impediment for disposal of the above O.As., we are not inclined to go into the aspect by exercising power under Article 227 of the Constitution of India in these Writ Petitions. Suffice it to say that the counters have already been filed, it is necessary that the Tribunal should dispose of the above O.As., one way or the other. Since the matter relates to reversion more especially the contention is that having

been regularized in the post of Superintendents, reversion of the petitioners could not have been effected. Though a formidable question has been raised by the learned counsel for the petitioners that the G.O. as contended by the Government in its counter has no application and it does not cover the case of the petitioners, who were promoted much prior to the issuance of the said G.O., we are not inclined to record any findings on this aspect. However, we leave it open to the petitioners to urge the above contention before the Tribunal, which will pass appropriate orders.

6. Under these circumstances, both the Writ Petitions are disposed of directing the Tribunal to dispose of O.A.Nos.4436 and 4437 of 2004 finally within a period of two (02) weeks from the date of receipt of a copy of this order. No costs.

(G.BIKSHAPATHY, J.)

3rd December, 2004.

(P.S.NARAYANA, J.)

SSR

To

1 The Director of Government Examinations, Chapel Road, Nampally, A.P. Hyderabad.
2 The Registrar, A.P. Administrative Tribunal, Hyderabad.

3 2CCs to G.P. for Serivices-I, High Court of A.P. Hyderabad. (OUT).

4 2CD copies.